(16)

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A.(C) No. 310/2007

SINGLE BENCH: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

APPELLANT CLAIMANT : Smt. Rashmit Kaur, Wd/o Eshvinder Singh Hora (Miku Hora), Aged about 29 Yrs. R/o Quarter No. 17, Parthavi Nagar Nagorao State, Mohaba Bazar, Raipur, Tah. & Distt. Raipur (C.G.)

Versus

RESPONDENTS NON-APPLICANTS :

1. Ashok Jeewan Lal Bansod, S/o Jeewan Lal Bansod, aged about 24 Yrs. R/0 Village Phulchur, Post Gondia, Tah. & Distt. Gondia (Maharashtra)
2. Vinod Bhupat Lal Malvare, Occupation Track Owner, R/o Vill-Phulchur, Post Gondia, Tah. & Distt. Gondia (Maharashtra)
3. The Oriental Insurance Co. Ltd., Divisional Office Gondia, Through: Divisional Manager, Divisional Office, Kachachari Chouk, Jail Raipur(C.G.)
4. Smt. Kartar Kaur, W/o Mahender Singh Hora, aged about 60 years, R/o Gurunanak Ward, Gondia, Distt. Gondia (Maharashtra)
5. Mahendra Singh Hora, S/o Bhag Singh Hora, aged about 65 years, R/o 5, Gurunanak Ward, Tah. & Distt. Gondia (Maharashtra)

M.A.(C). No. 312/2007

APPELLANT CLAIMANT : Smt. Rashmit Kaur, Wd/o Eshvinder Singh Hora (Miku Hora), Aged about 29 Yrs. R/o Quarter No. 17, Parthavi Nagar Nagorao State, Mohaba Bazar, Raipur, Tah. & Distt. Raipur (C.G.)

Versus

RESPONDENTS :

1. Ashok Jeewan Lal Bansod, S/o

(17)
(18)

NON-APPLICANTS		Jeewan Lal Bansod, aged about 24 Yrs. R/0 Village Phulchur, Post Gondia, Tah. & Distt. Gondia (Maharashtra) 2. Vinod Bhupat Lal Malvare, Occupation Truck Owner, R/o Vill-Phulchur, Post Gondia, Tah. & Distt. Gondia (Maharashtra) 3. The Oriental Insurance Co. Ltd., Divisional Office Gondia, Through: Divisional Manager, Divisional Office, Kachachari Chouk, Jail Raipur(C.G.)

M.A.(C). No. 313/2007

APPELLANT CLAIMANT	:	Smt. Rashmit Kaur, Wd/o Eshvinder Singh Hora (Miku Hora), Aged about 29 Yrs. R/o Quarter No. 17, Parthavi Nagar Nagorao State, Mohaba Bazar, Raipur, Tah. & Distt. Raipur (C.G.)
	Versus	
RESPONDENTS NON-APPLICANTS	:	1. Ashok Jeewan Lal Bansod, S/o Jeewan Lal Bansod, aged about 24 Yrs. R/0 Village Phulchur, Post Gondia, Tah. & Distt. Gondia (Maharashtra) 2. Vinod Bhupat Lal Malvare, Occupation Truck Owner, R/o Vill-Phulchur, Post Gondia, Tah. & Distt. Gondia (Maharashtra) 3. The Oriental Insurance Co. Ltd., Divisional Office Gondia, Through: Divisional Manager, Divisional Office, Kachachari Chouk, Jail Raipur(C.G.)

Present : Shri P. M. Shrivas, Counsel for the appellant/s

ORAL ORDER
(Passed on 14th March, 2007)

(18) (19)

The following oral order of the Court was passed by Dilip Raosaheb Deshmukh, J.

This order being passed in M.A.(C) No.310/2007 shall govern M.A.C.Nos.312/2007 and 313/2007 also.

2. Heard learned counsel on admission on all the aforesaid M.A.Cs.

3. Brief facts are that Smt.Rashmit Kaur filed three applications for compensation while impleading the driver, owner and insurer of truck No.MH 35-1912 and the parents of her deceased husband Eshvinder Singh Hora as non-applicants, for the death of her husband Eshvinder Singh Hora and her two children Arjun Hora, aged 6 years and Ku. Harjat Hora, aged 15 months who were travelling in a 'Qualis' vehicle bearing No. M.H.35-AG 6305 on 3.6.2005 from Goregaon to Gondia. The said Qualis vehicle met with an accident with a truck bearing No. M.H. 35 1912 being driven by the respondent No.1-Ashok, owned by the respondent No.2-Vinod and insured by respondent no.3-the Insurance Company. The claimant did not adduce any evidence either oral or documentary to prove the age of her deceased husband Eshvinder Singh Hora. The learned M.A.C.T. relying upon the police report assessed the age of Eshvinder Singh Hora as 40 years and awarded compensation of Rs.6,46,500/-. It was further directed that out of the aforesaid amount, an amount of Rs.1,20,000/- each was to be paid to respondent Nos.4 & 5 i.e the parents of the deceased Eshvinder Singh Hora and the remaining Rs.4,26,500/- to the appellant herein. The learned M.A.C.T. also awarded compensation of Rs.1,57,000/- each for the deceased Arjun Singh Hora, aged 6 years and Hajrat Hora aged 15 months.

4. The only point urged by the learned counsel for the appellant in these appeals is that so far as the death of Eshvinder Singh Hora in the accident is concerned, the learned M.A.C.T. applied the wrong multiplier and that no compensation was awarded for loss of love and affection. No other point was urged.

5. So far as the first point urged by the learned counsel for the appellant is concerned, a perusal of the impugned award shows that the learned M.A.C.T. relied upon the police report for assessment of the age of the deceased Eshvinder Singh Hora which disclosed the age of Eshvinder Singh Hora as 40 years. Learned counsel for the appellant

fairly conceded that the claimant did not furnish any proof of the age of the deceased Eshvinder Singh Hora before the learned M.A.C.T. In this view of the matter, the multiplier of 16 was rightly adopted by the learned M.A.C.T. and the first ground urged by the learned counsel for the appellant fails. So far as the second ground urged by him is concerned, the learned Tribunal has awarded a sum of Rs.5,000/- each towards loss of mother's love which satisfies the point urged by the learned counsel for the appellant. In this view of the matter, both the grounds urged by the learned counsel have no force.

6. Having thus considered the arguments advanced by the learned counsel for the appellant and after perusing the impugned award, I am of the considered opinion that the compensation awarded by the learned Claims Tribunal for the death of Eshvinder Singh Hora, Arjun Hora and Ku. Hajrat Hora is just and reasonable compensation. All these appeals being devoid of merit are dismissed at the stage of admission.

A copy of this order be kept in M.A.C.Nos. 312/2007 and 313/2007 also.

Sd/-
Dilip Raosaheb Deshmukh
Judge